

Arizona Medical Board

9545 E. Doubletree Ranch Road • Scottsdale, AZ 85258-5514
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Website: www.azmd.gov

October 21, 2010

Paul Giancola Snell & Wilmer, LLP 400 E. Van Buren Phoenix. AZ 85004-2202

RE:

Timothy J. Gelety, M.D. Case # MD-10-0324A

Dear Mr. Giancola:

The purpose of this letter is to inform you that during the course of the October 13, 2010, public meeting, the Arizona Medical Board (Board) reviewed the above-referenced complaint and all pertinent evidence and information gathered during the investigation. At the conclusion of its review, the Board voted to issue Dr. Gelety this Advisory Letter for inadequate medical recordkeeping, poor communication and related ethics issues, and a Non-disciplinary CME Order requiring the physician to obtain a total of 15 hours of Board staff pre-approved Category I CME in medical recordkeeping, communication and related ethics within six months. The CME hours shall be in addition to the hours required for the biennial renewal of medical licensure. There is insufficient evidence to support discipline.

An advisory letter is a non-disciplinary action, and is not subject to review by either the Board or the Courts. See *Murphy v. Board of Medical Examiners of the State of Arizona*, 190 Ariz. 441, 949 P.2d 530 (App. 1997). However, the licensee may file a written response to the letter with the Board within thirty days after its receipt A.R.S. § 32-1451(E)(3). Please be aware that Board staff will only post a narrative response by the licensee or the licensee's legal representative on the Board's website. Accordingly, please do not include medical records or third party opinions as part of your response. Also, please remember that your client is responsible for maintaining the confidentiality of the patient's identity. Finally, Board staff requests that the response not disclose the name of the medical consultant who reviewed the case or the name of any other healthcare provider associated with the matter in question.

If timely received, the response will be attached to the advisory letter and maintained in the licensee's permanent file. The written response will also be hyperlinked to the licensee's profile on the agency's website.

Sincerely,

Amanda Selwabe Amanda Schwabe Board Coordinator

E-mail: boardcoordinator@azmd.gov

Ph: (480) 551-2712 Fx: (480) 551-2705

cc: Permanent File

BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

TIMOTHY J. GELETY, M.D.

Holder of License No. **21851**For the Practice of Allopathic Medicine

In the State of Arizona.

Case No. MD-10-0324A
ORDER FOR CONTINUING MEDICAL
EDUCATION

(NON-DISCIPLINARY)

At its public meeting on October 13, 2010, the Arizona Medical Board ("Board") voted to issue Timothy J. Gelety, M.D. ("Physician") a non-disciplinary Continuing Medical Education (CME). Order for inadequate medical recordkeeping, poor communication and related ethics issues in violation of A.R.S. §§ 32-1401(27)(a) and (e). The Board ordered Physician to obtain a total of 15 hours of Board staff pre-approved Category I CME in medical recordkeeping, communication and related ethics within six months pursuant to A.R.S. §32-1451(E)(2). The CME hours shall be in addition to the hours required for the biennial renewal of medical licensure. This matter does not rise to the level of discipline.

ORDER

IT IS HEREBY ORDERED that Physician shall, within six months, obtain 15 hours of Board staff pre-approved Category I CME in medical recordkeeping, communication and related ethics pursuant to A.R.S. §32-1451(E)(2) and provide Board Staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours required for biennial renewal of his medical license. Respondent's failure to complete the CME will subject him to future disciplinary action by the Board. A.R.S. § 32-1401(27)(r).

RIGHT TO APPEAL

NOTICE IS HEREBY GIVEN that, pursuant to A.R.S. § 41-1092.03, any person aggrieved by this decision may apply to the Board, in writing, within thirty (30) days of receipt and request a public

hearing with respect to this order. You may request a hearing by filing a notice of appeal. The notice of appeal must be filed with the Board's Executive Director, and should include your name address, the action being appealed, and a concise statement of the reasons for the appeal. If you request a public hearing, the hearing will be scheduled within sixty (60) days of receipt of your request. If you request a public hearing, you also have the right to request an informal settlement conference by filing a written request with the Board, pursuant to A.R.S. § 41-1092.06, no later than twenty (20) days before the scheduled hearing. The conference will be held within fifteen (15) days after receipt of your request. Please note that you waive any right to object to the participation of the Board's representative in the final administrative decision of the matter if it is not settled at the conference.

DATED this ______ day of October, 2010.



ARIZONA MEDICAL BOARD

LISA S. WYNN
Executive Director

ORIGINAL of the foregoing filed this day of October, 2010 with:

Arizona Medical Board 9545 East Doubletree Ranch Road Scottsdale, Arizona 85258

EXECUTED COPY of the foregoing Mailed by US Mail this day October 2010 to:

Paul Giancola Snell & Wilmer, LLP One Arizona Center 400 E. Van Buren Phoenix, AZ 850044-2202



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Paul J. Giancola 602.382.6324 pgiancola@swlaw.com

November 17, 2010

VIA EMAIL AND MAIL

Amanda Schwabe Board Coordinator Arizona Medical Board 9545 E. Doubletree Ranch Road Scottsdale, AZ 85258-5514

Re: Timothy J. Gelety, M.D. - Case No. MD-10-0324A

Dear Ms. Schwabe:

Attached is Dr. Gelety's response to the advisory letter issued in the above matter. Please attach this response to the advisory letter and hyperlink it to his profile on the Agency's website.

If you have any questions or would like additional information, please let me know.

Very truly yours,

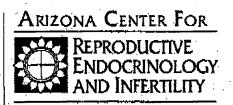
Snell & Wilmer

Paul J. Giancola

Aus. I. L.

PJG:pw Enclosure

Email: Timothy J. Gelety, M.D.



November 8, 2010

Amanda Schwabe
Board Coordinator
Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258-5539

Re:Case No. MD-10-0324A

Dear Ms. Schwabe:

This letter is provided in response to the Advisory Letter regarding the above complaint. Although, the patient complained that her medical records were not complete, I would like to stress that the patient's medical records are in fact complete and that no substandard care was rendered.

I am a fellowship trained in Reproductive Endocrinology & Infertility. I was recruited to the University of Arizona College of Medicine, and was appointed Director of the Assisted Reproduction Program in 1994 and was Director of the Division of Reproductive Endocrinology from 1995 until 1999. In 1999, I left the University of Arizona to form the Arizona Center for Reproductive Endocrinology & Infertility.

I am board certified in Reproductive Endocrinology and Obstetrics & Gynecology. I am an active member of the Society for Assisted Reproductive Technologies (SART), and multiple other reproductive medicine societies, and currently serve as a reviewer for three national medical review organizations.

Our In-Vitro Fertilization for assisted reproduction program is a member of SART and we report our IVF cycles annually to the Centers for Disease Control. Our Laboratory is accredited and inspected annually by the College of American Pathologists and also by the FDA. Our program has consistently been ranked as one of the most successful in Arizona.

This complaint arose from a patient who was unable to get pregnant following her attempt at IVF. Unfortunately, not all patients achieve a pregnancy following IVF treatment. All patients are fully informed of this possibility, as well as the reasons why. We (and I personally) kept the patient fully apprised of the situation.

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Amanda Schwabe November 8, 2010 Page 2

The patient was not truthful about her request for medical records. In view of the nature of her request, we attempted to protect her privacy, and that of her unmarried partner. For this reason we only provided those records applicable to her request. If we had been informed of the true reason for the records request, we would have also provided records from our lab.

If there is any further information or clarification I might provide, please do not hesitate to contact me.

Very truly yours,

Timothy J. Gelety, M.D.

Director, The Arizona Center for Reproductive Endocrinology and

Infertility